

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 26, 2005**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and  
P. Gonzalez, Deputy Clerk.

Each of the following:

B170559	People v. Small
B174145	People v. Barnes
B174161	People v. Avila
B174284	People v. Torres
B174917	People v. Boglin & Richardson
B176761	People v. Collins
B177867	People v. Edward D.
B179697	People v. Galindo
B167671	Daley v. Azafrani
B178406	Merisel America v. Computer Sonics Inc.
B180102	DCFS v. Jackson W.

Argument waived, cause submitted.

B176881	Lourdes A. Arredondo et al.
	v.
	Regents of the University of California

Merits:

Argued by Jay Horton for appellants and by Martin Stein for respondent.  
Cause submitted.

Mallano, J., leaves the bench.

DIVISION ONE (Continued)

B176476     People  
              v.  
              Julio R. Maldonado

Merits:  
Argued by Marylou Hillberg for appellant and by Ana R. Duarte for  
respondent. Cause submitted.

Mallano, J., returns to the bench.

Vogel, J., leaves the bench.

B172850     Vista Del Mesa et al.  
              v.  
              Texaco Refining & Marketing, Inc. et al.

Merits:  
Argued by David F. Epstein for appellants and by Allison Shue and David  
Pettit for respondents. Cause submitted.

Rothschild, J. leaves the bench.

B179322     Benjamin G.  
              v.  
              Special Education Hearing Office  
              Long Beach Unified School District

Merits:  
Argued by Bonnie Z. Yates for appellant and by Marlon Wadlington for  
Respondent. Cause submitted.

July 26, 2005 (Continued)

## DIVISION ONE (Continued)

B177983      Jerry Kabilka  
v.  
Robin Olgin

Merits:  
Argued by Barry D. Silberman for respondent. No appearance by  
appellant. Cause submitted.

Court adjourned.

B177867 People (Not for Publication)  
v.  
Edward D.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Rothschild, J.

B174284 People (Not for Publication)  
v.  
Torres

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B176863      Barton Properties, Inc.  
v.  
The City of Los Angeles

Filed order denying petition for rehearing.

July 26, 2005 (Continued)

## DIVISION ONE (Continued)

B176761 People (Not for Publication)  
v.  
Collis

The three 1-year enhancements (667.5.subd.(b)) based on the North Carolina priors are stricken, and Collis's sentence is reduced to 41 years to life; in all other respects, the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Rothschild, J.

B180102      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Jackson W.

The order terminating Jackson's parental rights is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B171700      ABF Capital Corp.  
v.  
Robert Berglass

Filed order denying petition for rehearing.

B170163      Scottsdale Insurance Company      (Certified for Publication)  
v.  
Statefarm Insurance Company et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

July 26, 2005 (Continued)

DIVISION TWO

B175573 Rabadi (Not for Publication)  
v.  
Rabadi

The order under review is affirmed.

Suzukawa, J. (Assigned)

We concur: Boren, P.J.  
Doi Todd, J.

[illegible]

The order is affirmed. Costs are awarded to Husband.

Nott, J. (Assigned)

We concur:   Boren, P.J.  
                   Ashmann-Gerst, J.

B177488 Robinson (Not for Publication)  
v.  
Hunt Enterprises, Inc., et al.

We affirm in part and reverse in part. We affirm the trial court's order denying arbitration as to the second, third and fifth causes of action. We reverse the trial court's order denying arbitration of the fourth cause of action for fraud with respect to the Independent Broker Agreement. We affirm the trial court's order denying arbitration of the fourth cause of action for fraud with respect to the Employment Agreement. The trial court action shall be stayed pending arbitration. The parties shall bear their own costs on appeal.

Nott, J. (Assigned)

We concur:   Doi Todd, Acting P.J.  
                    Ashmann-Gerst, J.

## DIVISION TWO (Continued)

[illegible]

The judgment is modified to award appellant 150 days of conduct credit and total presentence credit of 450 days. The trial court is ordered to modify the abstract of judgment accordingly. The judgment is otherwise affirmed.

Nott, J. (Assigned)

I concur: Boren, P.J.  
I dissent: Ashmann-Gerst, J. (Opinion)

B171348 People (Not for Publication)  
v.  
Medina

The judgment is modified to award appellant 216 days of conduct credit and to reflect a total of 651 days of presentence credit. The sentence on count 2 is reversed and the matter remanded for resentencing on that count consistent with the opinions expressed herein. The judgment is otherwise affirmed.

Nott, J. (Assigned)

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B177564 People (Not for Publication)  
v.  
Hunt

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Suzukawa, J. (Assigned)

July 26, 2005 (Continued)

DIVISION TWO (Continued)

B174755     Daniel  
               v.  
               Daniel

Filed order denying petition for rehearing.

DIVISION THREE

B181804     Los Angeles County, D.C.S.                     (Not for Publication)  
               v.  
               Anthony B.,

The appeal is dismissed.

Kitching, J.

We concur:   Klein, P.J.  
                     Croskey, J.

B178608     David Fink                                     (Not for Publication)  
               v.  
               Moreno, Becerra & Guerrero, Inc. et al.

The November 15, 2004, order granting defendant's motion to quash service of summons is reversed and the cause is remanded for further proceedings. Costs on appeal to plaintiff.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                     Aldrich, J.

DIVISION THREE (Continued)

B174006      Jennie Stabile                      (Not for Publication)  
                 v.  
                 Douglas J. Wolf, et al.

The summary judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. All parties to bear their own appellate costs.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B179737      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Ernesto V.

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

B175751      Ruben Gallegos                      (Not for Publication)  
                 v.  
                 Pacific Reglazing, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                 Aldrich, J.



July 26, 2005 (Continued)

### DIVISION THREE (Continued)

B178510 People (Not for Publication)  
B183411 v.  
Castro

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

[illegible]

The order appealed from is reversed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B174701 People (Not for Publication)  
v.  
Fletcher

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

July 26, 2005 (Continued)

## DIVISION FIVE

B173331 People (Not for Publication)  
v.  
Elmer Bautista et al

The Count 2 kidnapping conviction is ordered stricken for Moran and Bautista. The judgment of conviction is affirmed in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

## DIVISION SIX

B180418 People (Not for Publication)  
v.  
Come

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

## DIVISION SEVEN

B180054      In re Gabriella H. et al., minors      (Not for Publication)  
 Los Angeles County, D.C.S.  
 v.  
 Veronica L.

The order of the juvenile court is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

July 26, 2005 (Continued)

DIVISION SEVEN (Continued)

B175132 People v. Chairez (Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Zelon, J.